

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 4 – SERIES 2025**

**A RESOLUTION APPROVING THE MIDTOWN VILLAGE PRELIMINARY  
DEVELOPMENT PLAN FOR PLANNED UNIT DEVELOPMENT (PUD) AND  
PRELIMINARY PLAT LAND USE APPLICATIONS**

**WHEREAS**, on or about October 28, 2022, Midtown, LLC. (hereinafter, the “Applicant”) submitted a Preliminary Development Plan for Planned Unit Development application (hereinafter, the “Preliminary Plan”) for the Midtown Village PUD (hereinafter the “PUD”), a corresponding Preliminary Plat for Subdivision application (hereinafter, the “Plat”), and an accompanying application for an Amendment to the Official Character Area and Zone District Map (hereinafter, the “Zone District Amendment”) for review and approval by the Town pursuant to Article 15, *Planned Unit Development Overlay Zone District*, Article 21, Division 3, *Amendments*, Chapter 16, *Zoning*, and Article 17, *Subdivisions* of the Minturn Municipal Code (hereinafter, the “Code”); and

**WHEREAS**, the Preliminary Plan includes variations to the Town’s setback standards and allows for the development of forty-two (42) single-family, townhome, micro-home, cottage, and apartment dwelling units along with up to 14,000 square feet of commercial and/or civic land uses within three (3) phases; and

**WHEREAS**, Phase I of the PUD will allow for the development and use of twenty-one (21) dwelling units, 11,000 square feet of commercial use(s), and all infrastructure necessary to serve the PUD; and

**WHEREAS**, the PUD will be accessed from U.S. Highway 24 and individual lots and units will be accessed via an internal, privately maintained road and sidewalk network; and

**WHEREAS**, the PUD will be served by privately installed and maintained utilities, as well as the development of common open space, drainage improvements and drainage ways, landscaping, project identification signage, and internal, privately maintained trail; and

**WHEREAS**, the Applicant intends to construct all required on- and off-site public infrastructure and improvements necessary to serve the PUD during the first phase of development; and

**WHEREAS**, the Applicant possesses to use nineteen and one-half (19.5) pre-existing water taps or Single-Family Equivalents (“SFEs”) for the Property; and

**WHEREAS**, in accordance with the Town of Minturn Continued Water Moratorium as promulgated in Ordinance No. 2, Series 2023, (the “Moratorium”), and pursuant to a written acknowledgement submitted to the Town by the Applicant on or about March 7, 2023, the Applicant acknowledges the Town has committed to provide water to serve development of Phase I of the PUD only and that no additional development beyond 22.5 SFEs may be authorized until such time that the Moratorium is lifted; and

**WHEREAS**, the Town of Minturn Planning Commission (hereinafter the “Commission”) held public hearings at their regular meetings of November 13, 2024, and December 11, 2024, to review the Preliminary Plan, Preliminary Plat, and Zone District Amendment applications; and

**WHEREAS**, the Commission, based on application materials, facts, testimony and staff report(s), forwarded a recommendation for approval of the Preliminary Plan with recommended conditions, as well as a recommendation for approval of the Preliminary Plat with conditions, and a recommendation for approval of the Zone District Amendment to the Minturn Town Council (hereinafter the “Council”); and

**WHEREAS**, at their regular meeting of January 15, 2025, the Council held a public hearing to consider the Preliminary Plan and the Preliminary Plat, as well as applicable standards and findings of the Code, requested variations, associated reports, referral agency commentary and recommendations, staff recommendations and findings, Commission recommendations and findings, public testimony, and the suggested conditions of approval pursuant to Section(s) 16-15-170 and 17-50-60; and

**WHEREAS**, at their regular meeting of January 15, 2025, the Council approved the Preliminary Plan and Preliminary Plat, with conditions, because the Preliminary Plan and Preliminary Plat were found to be in conformance with applicable standards, including conformance with the Community Plan; and

**WHEREAS**, final action to approve or deny the Zone District Amendment application to formally amend the Official Zone District Map to create the Midtown Village Planned Unit Development Zone District will be undertaken in conjunction with the review and approval of any Final Development Plan for PUD and Final Subdivision Plat application(s) received by the Town; and

**WHEREAS**, public notice was properly given pursuant to the Code, Section 16-21-610, Public Notice, for public hearings held by the Commission; and

**WHEREAS**, public notice was properly given pursuant to the Code, Section 16-21-610, Public Notice, for a public hearing held by the Council; and

**WHEREAS**, the Council is commissioned with certain powers and duties contained in the Minturn Municipal Code Section 16-21-30; and

**WHEREAS**, pursuant to the Minturn Municipal Code Section 16-1-20, Purpose of Provisions, the most appropriate use of the subject property is allowed via the approval, with conditions, of the Preliminary Plan and Preliminary Plat; and,

**WHEREAS**, pursuant to Minturn Municipal Code Section 16-15-160(1), Preliminary plan evaluation criteria, the Council finds that:

- (1) The resulting development **will be** consistent with the Community Plan and the proposed PUD reflects the character of the Town;

- (2) The area around the development **can be** planned to be in substantial harmony with the proposed PUD;
- (3) The adjacent and nearby neighborhoods **will not** be detrimentally affected by the proposed PUD;
- (4) The mass and scale of individual buildings and the overall density of the PUD **will be** consistent in scale and character and **will** avoid abrupt and/or severe differences with the surrounding area;
- (5) The PUD **can be** completed within a reasonable period of time, which shall be determined prior to final approval of the PUD;
- (6) The PUD **provides** for the appropriate treatment of the Eagle River corridor as a community recreational amenity and focal point;
- (7) The residents of the PUD **will** have easy access to recreational amenities.
- (8) Any increase in density proposed above what is permitted in the underlying zone **will be** mitigated by increasing the land dedications to open space, recreational amenities or other public facilities and services;
- (9) Commercial or industrial development **is not** proposed;
- (10) The streets **are** adequate to support the anticipated traffic, and the development **will not** overload the streets outside the planned area;
- (11) Proposed utility and drainage facilities **are** adequate for the population densities and type of development proposed;
- (12) Residential density and intensity of other uses **will be** limited as required by the Town Council, upon consideration of the Community Plan, the Official Zone District Map and the specific characteristics of the subject land;
- (13) A favorable finding **is** made on the environmental assessment or environmental impact report;
- (14) The preliminary plan for PUD, as conditioned and with approved variances, **complies** with the open space and recreation standards of the Town;
- (15) The Preliminary Plat, as conditioned, **complies** with the requirements and standards of Section 17-5-80, Preliminary plat review, of the Code.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COUNTY OF EAGLE, STATE OF COLORADO:**

**THAT**, the Preliminary Plan application be approved subject to the following conditions:

- (1) All representations of the Applicant related to how the project complies with provisions of the Code or promises or concessions that the Applicant is willing to make as part of an approval are binding on the Applicant.
- (2) Work with the Town Attorney and Town Engineer to ensure that all sheets, easements, and other matters on the Final Plat and 100% civil engineering drawings are accurately and clearly labeled.
- (3) Work with the Town Attorney and Planning Director to ensure that the PUD Guide contains only matters relating to land use, development standards, and zoning, and the PUD Narrative contains other matters relating to the prosecution of the development, including phasing, future subdivisions, allocation of water, and temporary uses. Many of these matters will also be reflected in the SIA.
- (4) Work with the Town Attorney and Town Engineer on SIA to include final Engineer's Estimate of Probable Costs (EEOPC) for public improvements, security, restricting development of future of development at 22.5 SFEs until the Water Moratorium (Ordinance No. 2, Series 2023 as such may be amended) or other provisions in the Town Code allow for development in excess of this number, phasing of development, landscaping, additional permits, and other construction related matters.
- (5) Work with the Town Attorney on any recommended revisions to the Master Declaration of Covenants, Conditions, and Restrictions for the Midtown Village Homeowners Association.
- (6) Work with the Town Attorney on inclusionary housing policy, transfer covenants, and deed restrictions to ensure that these covenants and deed restrictions have appropriate priority and enforcement mechanisms.
- (7) Work with the Town Attorney and Planning Director to resolve any of the outstanding matters from previous referral letters and applicant responses.
- (8) Work with the Town Attorney and Planning Director to review and revise the Midtown Village PUD Housing Plan to identify opportunities to increase the number of price-capped, for-sale units; to lower the initial sales price for deed restricted, price-capped units from 200% AMI to a range between 120-140% AMI; and to include price appreciation caps for any deed restricted, pricecapped for-sale unit resales.
- (9) The section relating to alternative definition of SFEs in the PUD Narrative is deleted in its entirety.
- (10) Language shall be added to the SIA requiring that Phases 3-5 comply with additional CDOT traffic studies as required by CDOT at the time of application.

**THAT**, the Preliminary Plat application be approved subject to the following conditions:

- (1) All representations of the Applicant related to how the project complies with provisions of the Code or promises or concessions that the Applicant is willing to make as part of an approval are binding on the Applicant.

- (2) Work with the Town Attorney on language included on the plat (note 16) and the Subdivision Improvement Agreement (SIA) restricting development of future of development at 22.5 SFEs until the Water Moratorium (Ordinance No. 2, Series 2023 as such may be amended) or other provisions in the Town Code allow for development in excess of this number .
- (3) Work with the Town Attorney and Town Engineer on the Certificate of Dedication and Ownership on the plat to accurately reflect all existing easements and those being dedicated to whom and for what purposes.
- (4) Work with the Town Attorney and Town Engineer to ensure that all sheets, easements, and other matters on plat and civil plan drawings are accurately and clearly labeled.
- (5) Revise plat note 16 and existing condition of approval so that the vested rights are explicitly subject to the availability of water pursuant to the Water Moratorium and provisions in the Town Code, as such may be amended and development is restricted to 22.5 SFEs of water service until the Water Moratorium (Ordinance No. 2, Series 2023 as such may be amended) or other provisions in the Town Code allow for development in excess of this number.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 15<sup>th</sup> DAY OF JANUARY, 2025.

TOWN OF MINTURN:

By: \_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

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Jay Brunvand, Town Clerk